


**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: June 3, 2015

Item: Fox Brewing Company, 103 S. 11th Street, Permitted Conditional Use to allow a tap room in association with a brewery – Brian Fox – PC-002685-2015

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara Tragesser, AICP 

Applicant's Request: The applicant, Brian Fox, is requesting approval of a Permitted Conditional Use permit to operate a 1,200 sq. ft. tap room in association with a 6,000 sq. ft. brewery to be located at 103 S. 11th Street (see Attachment C – Location Map).

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on May 7, 2015. The Subcommittee was supportive of the request.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. Staff notes the following:

- **Tap Room:** The brewery is an Allowed use in the General Industrial zoning district where 103 S. 11th Street is located. In March 2015, the City Council approved an ordinance amendment to allow tap rooms in association with breweries. The tap room size was capped at 20 percent of the size of the brewery. In this case, the brewery is proposed to be 6,000 sq. ft. in size and the tap room will occupy 1,200 sq. ft. of that space.
- **Parking:** Currently on the site, there are 72 parking spaces constructed for the uses on site. These were calculated with a warehouse use and an office use. By calculating the parking for the addition of a brewery taking up 6,000 sq. ft. of the warehouse use and by adding the calculation for the tap room, the total number of required spaces is 82 parking spaces.

The applicant was asked to check with the other tenants regarding hours of operation, fleet use of the site, and traffic on the site to determine if there is off peak parking that is available to the tap room. The applicant has supplied a letter to that affect shown as Attachment D – Parking. In the letter Mr. Fox notes hours of operation of his business, the other tenant's business hours, parking needs, and walk-in traffic.

With this information, staff recommends that the Board of Adjustment defer the additional 10 spaces of parking until such time as the tenancy changes in the building or business operations change such that measures need to be taken to accommodate the parking needs of the building, which may include a cross parking agreement with an adjacent property owner, the landlord determining the appropriate tenancy of the property to alleviate the need to more parking, or the applicant needing to scale his operation to a point where the parking demand meets the available parking.

Permitted Conditional Use Permit Findings: Brian Fox's application for a Permitted Conditional Use Permit to operate a 1,200 sq. ft. tap room in association with a brewery was reviewed by various City departments. Based upon that review and any conditions of approval, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.

2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Staff Recommendations and Conditions of Approval: Based upon the review of the proposal, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution to approve the Permitted Conditional Use Permit to allow the operation of a 1,200 sq. ft. tap room in association with a brewery at 103 S. 11th Street, subject to meeting all City Code requirements, regulations, and the following:

1. The Board of Adjustment deferring 10 parking spaces until such time that a parking problem arises and then a cross parking agreement will be needed with an adjacent property owner, the landlord will need to determine the appropriate tenancy of the property to alleviate the need to more parking, or the applicant will need to scale his operation to a point where the parking demand meets the available parking.
2. The applicant providing final site plans addressing remaining staff comments prior to opening the tap room.

Noticing Information: On May 15, 2015, notice of the June 3, 2015, Board of Adjustment Public Hearing on this project was published in the Des Moines Register Community Section. Notice of this public hearing was also mailed to surrounding property owners within 370 feet of the subject property on May 15, 2015.

Applicant: Fox Brewing LLC
1143 42nd Street Apt D
Des Moines IA 50311
Brian Fox
515-419-5771
Brian@foxbrewco.com

Property Owner: Go American LLC
118 Third Avenue SE Suite 600
Cedar Rapids IA 52401
319-399-1575
stevewhite@skogman.com

Applicant's Representative: Same as Applicant

Attachments:

- Attachment A - Permitted Conditional Use Resolution
- Attachment B - Location Map
- Attachment C - Site Plan
- Attachment D - Parking

Prepared by: KTragesser City of West Des Moines PO Box 65320 West Des Moines, IA 50265-0320 515-222-3620
When Recorded Return to: City Clerk City of West Des Moines PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE PERMITTED CONDITIONAL USE PERMIT (PC-002685-2015) FOR THE PURPOSE OF OPERATING A 1,200 SQ. FT. TAP ROOM IN ASSOCIATION WITH A 6,000 SQ. FT. BREWERY AT 103 S. 11TH STREET

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Fox Brewing Company, has requested approval for a Permitted Conditional Use Permit to operate a tap room in conjunction with a brewery at 103 S. 11th Street and legally described as:

Legal Description of Property

LOT 2, SCHRODER INDUSTRIAL PARK PLAT 2 AN OFFICIAL PLAT NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on June 3, 2015, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit;

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, or as amended orally at the Board of Adjustment hearing, are adopted.

SECTION 2. The PERMITTED CONDITIONAL USE PERMIT (PC-002685-2015) is approved, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on June 3, 2015

Erik Christiansen, Chairperson, Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on June 3, 2015, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

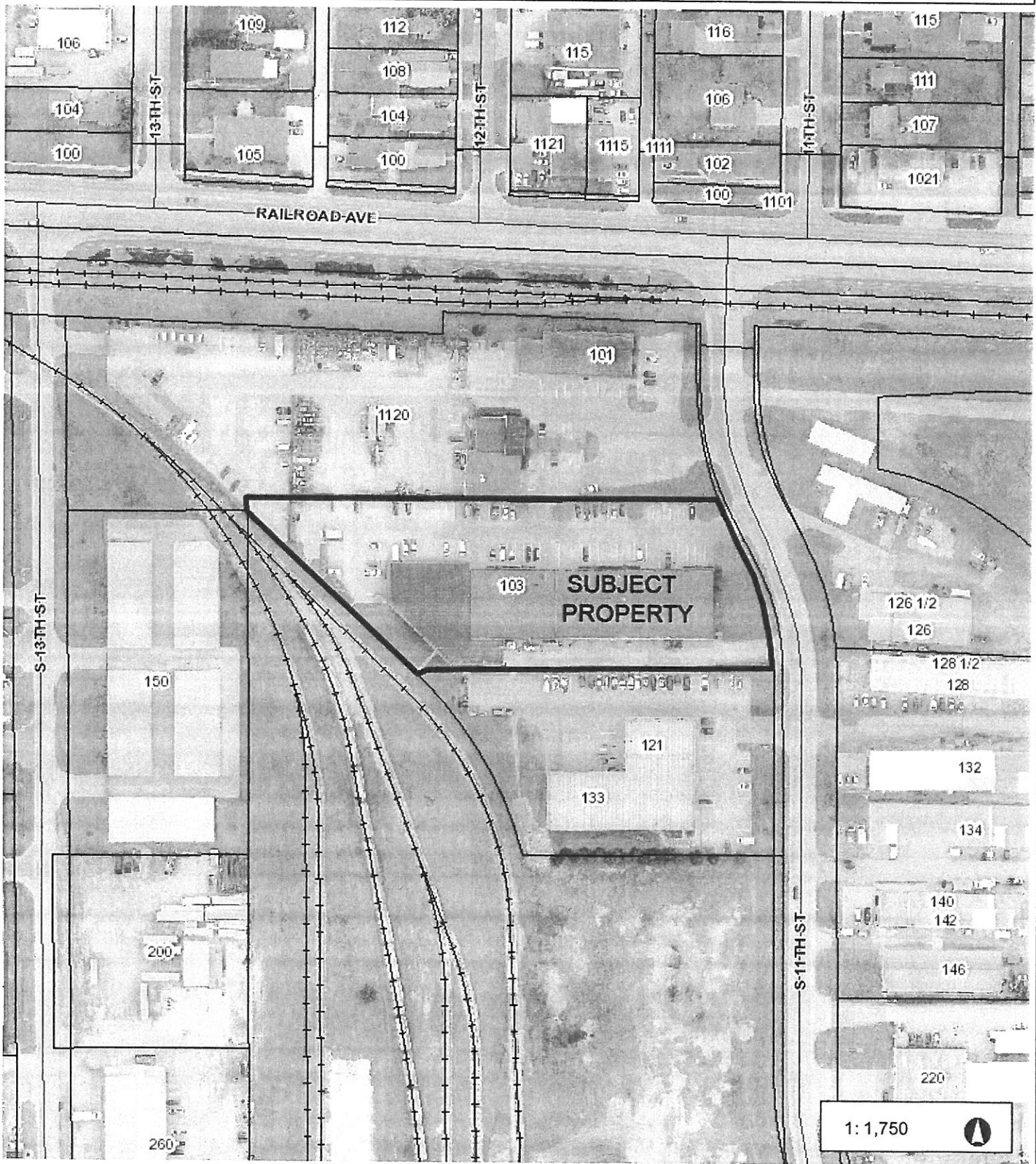
Recording Secretary

EXHIBIT A

1. The Board of Adjustment deferring 10 parking spaces until such time that a parking problem arises and then a cross parking agreement will be needed with an adjacent property owner, the landlord will need to determine the appropriate tenancy of the property to alleviate the need to more parking, or the applicant will need to scale his operation to a point where the parking demand meets the available parking.
2. The applicant providing final site plans addressing remaining staff comments prior to opening the tap room.



103 S. 11th Street



291.7 0 145.83 291.7 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

To whom it may concern,

I am writing this as a representative of Fox Brewing, llc. I received a letter from Kara Tragesser which indicated that the location of my new brewery (103 S 11th Street) would require ten parking spaces in addition to the seventy two already available in that building. After speaking with Kara and the other tenants in the building I believe the additional ten spaces are unnecessary.

The busiest time of day for the parking lot outside Fox Brewing is usually between 6:00AM and 7:00 AM when employees are coming and going from businesses such as We Clean It and Midwest Caulking. The hours of operation for the Fox Brewing tasting room are kept extremely limited (Thurs 4:00-10:00, Fri 4:00-11:00, Sat 12:00-11:00, Sun 12:00-7:00) specifically to avoid conflicting with the hours of operations of the other businesses in our building. The businesses in the building with the largest staffs, Midwest Caulking and AF Johnson Millwork, maintain working hours of 7:00-3:30.

I corresponded via email to James Deeds, the manager of KCL Engineering, Fox Brewing's immediate neighbor to the west, who said "I don't think there will be any conflict between your tap room hours and our operations. We hope you get a ton of traffic!"

Fox Brewing's tasting room will only be open 31 hours/week. I did a quick check of other breweries with taprooms and no food and this is what I came up with:

Madhouse Brewing: 20 hours

515 Brewing: 31 hours

Firetrucker: 46 hours

Confluence Brewing: 51 hours

Peace Tree 72.5 hours

As you can see, not only are Fox Brewing's hours of operation limited to times when our neighbors aren't experiencing traffic, but we're also on the low end of the spectrum for total hours of operation. West Des Moines' only other Brewery, Rock Bottom Restaurant and Brewery, operates 86 hours/week. While our tasting room is important to us, the limited hours of operation keep our production the core of our business ahead of the tasting room.

Also important is that none of the other businesses in our building maintain vehicle fleets which are parked overnight at those businesses. The spots are generally all open all evening and all weekend when Fox Brewing would hope to use them. Even if our neighbors were open for operation on the weekends it's important to note that none of the other businesses in the building have walk-up traffic. These are not retail establishments with customers who come and go.

In conclusion, I don't believe Fox Brewing needs the additional ten parking spaces because our tasting room hours are outside the operating hours of our neighbors, we have the permission and the blessing of our immediate neighbor who would be most impacted by our tasting room, and none of the other businesses in our building use their parking outside their hours of operation.

Thank you for your time and consideration

Brian Fox
Manager/Founder

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West Des Moines, IA
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